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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
KENNETH J. WARD, JR., : 15-cv-05316-ST
: :
Plaintiff, : :
: :
- versus - : U.S. Courthouse
: Central Islip, New York
NEW YORK STATE et al., : :
: July 15, 2024
Defendants : 3:30 p.m.
-----X

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE
BEFORE THE HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:
(VIA VIDEO/AUDIO)

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Proceedings

1 THE COURT: All right. This is *Ward v. New*
2 *York State et al.*, 15-cv-5316.

3 Can everyone please state your appearances for
4 the record?

5 MR. WARD: Kenneth Ward, 83-13 Myrtle Avenue,
6 Glendale, New York 11385.

7 THE COURT: All right. Good afternoon.

8 MR. WARD: Good afternoon, your Honor.

9 MS. BENZIE: Helen Benzie, B-E-N-Z-I-E, The Law
10 Office of Vincent D. McNamara, 1045 Oyster Bay Road, East
11 Norwich, New York 11732, for the solely named defendant
12 Michael Theodore in this case. Good afternoon, your
13 Honor.

14 THE COURT: All right. Good afternoon. All
15 right. So Mr. Ward, we missed you on Friday and I'm not
16 sure what's going on but it sounded like there were some
17 issues going on on your end and I want to see what's
18 going on and whether we're still on track to begin our
19 trial.

20 MR. WARD: Well, your Honor, I put in a motion
21 for a settlement. As I told you, both my girlfriend and
22 I, we're going through (indiscernible) a lot of stuff.
23 So you know, at this point, you know, I'm not going to be
24 able to do this at this moment.

25 THE COURT: So you're asking to adjourn the

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1 trial again?

2 MR. WARD: Well, I'm asking for a settlement.

3 THE COURT: Okay. I mean I saw your request.

4 I'll let the defendant speak to it. But you know,

5 obviously it's up to them whether or not --

6 MR. WARD: I mean it will cost them more to go

7 to trial than it would cost them for a settlement. So I

8 mean, you know, it's ridiculous at this point.

9 MS. BENZIE: I guess it's my chance. Mr. Ward,

10 I got your motion for settlement and in my experience as

11 a lawyer under the Federal Rules, a plaintiff can't

12 compel somebody to settle.

13 That being the case, I duly transmitted your

14 settlement proposal --

15 MR. WARD: I didn't receive it.

16 MS. BENZIE: -- to my client.

17 MR. WARD: Yeah, I didn't receive it.

18 MS. BENZIE: No, you don't get a copy of my

19 communications to the client. But I --

20 MR. WARD: It's supposed to be from Nassau

21 County. I mean it's not even supposed to be from him,

22 it's supposed to be from Nassau County because we were

23 suing Nassau County.

24 MS. BENZIE: All right. Nassau County as a

25 defendant was let out of the lawsuit. The only

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1 defendant --

2 MR. WARD: They shouldn't have.

3 MS. BENZIE: -- remaining --

4 MR. WARD: They shouldn't have been let out and
5 neither any of these doctors should have been let out.

6 And the corrupt judge who was involved should never let
7 them out. Okay? None of them should have been let out.

8 MS. BENZIE: Be that --

9 THE COURT: Be that as it may, you know, we are
10 where we are. The only defendant left in the case is Mr.
11 Theodore. Whether or not --

12 MR. WARD: She was corrupt, Your Honor. Your
13 Honor, she was corrupt. I mean Carol whatever her name
14 was, she was corrupt. I mean come on. She should never
15 let those doctors out of what they did to me. I mean
16 listen, I'm not only a (indiscernible) victim, I'm a
17 World Trade Center victim. Okay? And they should never
18 have been let out of what they did to me.

19 THE COURT: I mean you can't -- you have to
20 deal with the case as it is if you're talking about
21 settlement because, you know, what should have happened
22 at this point it doesn't really matter. All that matters
23 is what is the current state of the case. And you know,
24 that's what we have to look at terms of deciding about a
25 potential settlement.

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1 MR. WARD: It's despicable. It really is
2 despicable what they did to me. I mean to somebody who
3 stood on a wall, you know, standing on a wall in between
4 hostile foreign lands to protect everybody here and then
5 I get subjected to this? I mean come on. What the --
6 it's despicable. It really is.

7 MS. BENZIE: Mr. Ward, at this juncture, as the
8 judge has said, I'm representing the one remaining
9 defendant and --

10 MR. WARD: And he's despicable too and he's a
11 corrupt cop.

12

13 MS. BENZIE: I know you think he's despicable.
14 However, I have to represent him. And in order to do
15 that I transmitted your motion as a settlement proposal
16 to the client. I have not heard back from him.

17 MR. WARD: Okay.

18 MS. BENZIE: This is the first -- now, I know
19 you dealt with other people before me but this was the
20 first proposal that I received --

21 MR. WARD: Okay.

22 MS. BENZIE: -- in writing to deal with it. I
23 question the format. I don't think it is in the proper
24 format. But be that as it may, we'll treat it as a --

25 MR. WARD: Well, I am pro se. So you have to

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1 understand I'm pro se, so I'm doing this by myself.

2 MS. BENZIE: I fully understand that, Mr. Ward.
3 Believe me I do. And because you are pro se I have
4 transmitted it to my client as a settlement offer. I
5 have not heard back on that. We do have a trial date set
6 up. There are certain logistical issues with that. And
7 I appreciate the fact that you may have other medical
8 issues that will --

9 MR. WARD: Let me ask you this. How much is it
10 going to cost you and the county to do a trial? Because
11 I think it would cost a lot less to settle.

12 MS. BENZIE: Well, Mr. Ward, that might be true
13 if we were dealing with the usual insured case or we were
14 dealing with a business corporation that looks at things
15 solely --

16 MR. WARD: So I got to get an insured case or
17 business corporation or I got to get a lawyer to just
18 basically take over this case and sue the hell out of it.
19 Right? That's what you're telling me?

20 MS. BENZIE: Mr. Ward, you're always free to
21 obtain a lawyer, sir.

22 MR. WARD: So that's what you're telling me.
23 Right? So now it's going to cost you a lot more money
24 instead of settling, right? Now, I got my wife here
25 who's going through cancer. I got me who's sick and my

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1 medical issues. And now I'm going to have to get a
2 lawyer to sue you and the county so that you can just
3 settle, right? That's what you're telling me.

4 MS. BENZIE: No. Mr. Ward, I have not heard
5 word back from my client about what they wanted to do
6 with the case.

7 MR. WARD: Your Honor, what do you want to do?

8 THE COURT: Look, I don't know what the county
9 is going to say. I suspect what they're going to say is
10 the settlement amount is too high. I don't think that
11 there's any suggestion that they wouldn't be willing to
12 settle the case but I think --

13 MR. WARD: I mean it's been what, ten years
14 now? I mean this is ridiculous at this point. How much
15 money did they waste on this fricken case already? You
16 know?

17 MS. BENZIE: Mr. Ward --

18 MR. WARD: They must have wasted at least
19 \$80,000 on that other fricken knucklehead who was in
20 charge of the case in the first place.

21 THE COURT: I have no idea. Let's --

22 MS. BENZIE: I can't speak to that, Mr. Ward.
23 I really can't.

24 MR. WARD: They must have wasted at least
25 \$80,000 already from that knucklehead, whatever her name

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1 was. I mean this is ridiculous at this point.

2 THE COURT: I mean I think the one thing you
3 need to keep in mind is that as much as you may disagree
4 in dispute it, the fact is that all of the claims have
5 been dismissed except for a single claim against Mr.
6 Theodore and --

7 MR. WARD: And your Honor, your Honor, not for
8 nothin, none of those claims should have been dismissed.
9 Carol whatever her name was, was corrupt and none of
10 those doctors should have got off on this. None of them.
11 Not one of them. Okay? They were all -- every fact that
12 I put in there was justified. They should have all
13 been -- matter of fact, that one doctor was crying at the
14 deposition. He knew, he knew for a fact that he did not
15 do the right thing and he was corrupt. Okay? He knew he
16 would have been fired if I had a justifiable judge like
17 you. He knew he would have been fired.

18 THE COURT: You know, I appreciate that
19 position and I think the problem is --

20 MR. WARD: He would have never got his,
21 whatever it is, his degree in being a doctor, he would
22 never have got it. He wasn't even a doctor and then he
23 puts me in there? There's no way. I mean it was just
24 unjustifiable.

25 THE COURT: The only way you're going to be

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1 able to settle this case is if we focus on the actual
2 claim that's still remaining in the case. I understand
3 that you dispute what happened before and it's
4 frustrating to you that those --

5 MR. WARD: Well, if they want to go to trial --

6 THE COURT: -- claims were dismissed --

7 MR. WARD: -- if they want to go to trial, I'm
8 going to have to bring every doctor that was involved in
9 this and --

10 THE COURT: The problem is the only claim --

11 MR. WARD: -- it's going to be all in
12 session --

13 THE COURT: The only claim that's left in the
14 case is the unlawful search.

15 MR. WARD: Yes.

16 THE COURT: So from a legal --

17 MR. WARD: They're all witnesses. They're all
18 witnesses. All the doctors are witnesses. All the
19 doctors are witnesses to everything. They're all
20 witnesses. All the nurses are witnesses, all the doctors
21 are witnesses. Everybody that was working there. Do you
22 know they were all fired? Do you know that whole
23 management staff was fired over there?

24 THE COURT: I don't know anything about what
25 happened at that point.

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1 MR. WARD: They were all fired. All of them.
2 It was in the newspaper. It was in the New York Daily
3 News. They were all fired, all of them, because they
4 were all corrupt.

5 THE COURT: Just coming back to the point I was
6 going to make --

7 MR. WARD: I'm sorry I'm being, I'm sorry I'm
8 being pissed off, your Honor, but --

9 THE COURT: Look, I understand.

10 MR. WARD: -- this is enough.

11 THE COURT: I get it. But I have to deal with
12 the practical reality of what's actually before me and --

13 MR. WARD: Okay.

14 THE COURT: You know, the sole claim that's
15 remaining is this unlawful search claim which at the end
16 of the day --

17 MR. WARD: Well, it was unlawful.

18 THE COURT: I'm sorry?

19 MR. WARD: The nurse even, the registered
20 nurse, the head nurse even said he wasn't even supposed
21 to be on the floor.

22 THE COURT: Okay. I'm assuming for purposes of
23 this argument that everything you're saying with regard
24 to the nurse and the claim is correct and you'll prevail
25 on that. But even assuming that, the question I have

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1 though is what are the damages? Because as I understand
2 it, and you can obviously correct me if I'm wrong, this
3 case has been going on for a long time so maybe I'm not
4 remembering every single fact, but my understanding was
5 that they didn't actually find anything during the
6 search. There wasn't like --

7 MR. WARD: No.

8 THE COURT: -- some contraband that they found
9 or anything like that.

10 MR. WARD: Nothing, nothing.

11 THE COURT: Okay. So --

12 MR. WARD: Matter of fact, the nurses actually
13 pulled money out of their pocket to give me bus fare to
14 go home.

15 THE COURT: Okay. So but then my question then
16 is what are the damages from -- not all this other stuff
17 which, you know, I understand you suffered damages as a
18 result of what you're alleging the doctors did and all of
19 this other stuff. But focusing just on that search, if
20 there was nothing found, nothing used against you, what
21 were the actual damages suffered as a result of the
22 unlawful search?

23 MR. WARD: They, they --

24 THE COURT: Did they damage your property?
25 What did they do exactly?

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1 MR. WARD: They kept me in the fricken mental
2 ward for fucking a week.

3 THE COURT: I understand that but that's a
4 separate thing because the search had nothing to do with
5 the mental ward. They didn't find something during the
6 search that they then used to keep you in the mental
7 institution or charge you with something.

8 MR. WARD: No. That's why they kept me in the
9 mental institution because they said that I had something
10 and I threatened them and all this other bullshit.

11 THE COURT: I'm sorry, they said you had --
12 what do you mean you had something?

13 MR. WARD: No, they said I had a gun and they
14 kept me in the mental institution because they said I had
15 a gun or something like that. That's why they kept me
16 there.

17 THE COURT: Okay. But not because they
18 actually found anything during the search.

19 MR. WARD: Because they didn't find nothing
20 because I never had one. But that's why they locked me
21 up.

22 THE COURT: Okay. But that was before the
23 search. They locked you up before --

24 MR. WARD: No, no, no, no. That was before.
25 It was all before.

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1 THE COURT: Uh huh.

2 MR. WARD: It was all before.

3 THE COURT: Yes.

4 MR. WARD: That's the reason why they put me in
5 there in the first place.

6 THE COURT: Okay. But then I guess my question
7 to you is what --

8 MR. WARD: Well, what happened -- here's the
9 situation. What happened was my stuff was stolen, my
10 inheritance was stolen by my sisters. Right?

11 THE COURT: Yes.

12 MR. WARD: Okay. So I was being threatened and
13 I went to the VA. I don't know why, because I had no
14 other place to go to get help. Okay? So when I went to
15 the VA, they came and threatened me and put me in a
16 mental institution. And then Theodore, he comes up there
17 and threatens me if I didn't give him my keys and stuff
18 like that to my house that he would lock me up. And he
19 wasn't supposed to be on the floor, he wasn't supposed to
20 be there. Even the nurse said you're not supposed to be
21 here, you're not supposed to be talking to him. And
22 basically he took my keys --

23 THE COURT: Okay.

24 MR. WARD: -- to my house. And he crossed
25 borders cause he's a Long Island cop. He's not even

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1 supposed to come over to Queens.

2 THE COURT: Again, I'm assuming that all of
3 that is true, all of that. Let's assume that there's a
4 violation there from all of that stuff that he's doing.
5 But my question to you is -- because, you know, the
6 damages and the injury have to be tied directly to that
7 violation. That violation was the search itself, not
8 anything that happened before, not what --

9 MR. WARD: He caused --

10 THE COURT: -- the doctors did or anything
11 else.

12 MR. WARD: Your Honor --

13 THE COURT: But again, I'm assuming, I'm
14 already assuming, Mr. Ward, that you win. Let's assume
15 that you win that claim. My question for you is more
16 about the damages because even if you win, you still have
17 to establish some kind of damages otherwise it would only
18 be nominal damages which is very little. So my question
19 is what actual damages did you suffer specifically from
20 the unlawful search?

21 MR. WARD: Oh shit, the damages. You know how
22 many damages I suffered? So now I got to establish the
23 damages?

24 THE COURT: Well, what the injuries were I mean
25 to justify, you know --

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1 MR. WARD: Stress (inaudible) --

2 THE COURT: -- you know, assuming that --

3 MR. WARD: My health, stress, damages to my
4 sibling and the people that, you know, I'm taking care
5 of. I have three kids in this house and five adults that
6 I'm trying to take care of. I mean there's a lot of
7 damages going on here.

8 THE COURT: Okay.

9 MR. WARD: You know? And then, you know, week
10 of -- a couple of weeks of not being able to be here to
11 help them, I mean you know, that's a lot of damages.

12 THE COURT: Okay. But again --

13 MR. WARD: Being out of work. Actually at that
14 time, specifically at that time, I believe I lost my job
15 because of this. You know?

16 THE COURT: But again, how much of that was
17 caused by the other stuff versus the unlawful search?
18 Because the only thing that you can recover from is
19 damages caused directly and proximately by the search
20 itself because that's the violation that's still in the
21 case. So --

22 MR. WARD: I understand what you're saying but
23 that escalated into -- how can I put it? That escalated
24 into -- how can I put it? You know how the dominoes
25 effect?

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1 THE COURT: Mm hm.

2 MR. WARD: So the dominoes effect caused
3 multiple unfortunate situations like, you know, there was
4 one after the other after the other after the other after
5 the other that this caused. You know? So I mean I don't
6 know how else to explain it. It was multiple effects
7 that happened one after the other. So I mean if I could
8 write it down, I would. But you know, it was just one
9 after the other. I mean a whole bunch of things happened
10 right after that.

11 THE COURT: Okay.

12 MS. BENZIE: I really can't -- and I'm treating
13 this, your Honor, and I think it's the best way of
14 treating it, is that this is his view of his case and
15 this is not the time to go into the nuts and bolts of
16 damages other than for what he said.

17 Right now from this search, there was nothing
18 found in his car, nothing found in his apartment. The
19 keys were returned. He made no --

20 MR. WARD: He should have never threatened me.
21 He threatened me --

22 MS. BENZIE: Be that --

23 MR. WARD: -- in front --

24 MS. BENZIE: Be that --

25 MR. WARD: He threatened me in --

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1 MS. BENZIE: Mr. Ward, please.

2 MR. WARD: He threatened me in front of the
3 nurse. He threatened me in front of the nurse. He
4 threatened me in front of the nurse.

5 MS. BENZIE: All right. You perceive that as a
6 threat. And I understand in your situation you may have
7 thought that was a threat but many --

8 MR. WARD: It was a threat. He threatened me.
9 He told me if I don't give up my keys, it's going to be a
10 regret. That's what the guy said.

11 MS. BENZIE: All right.

12 MR. WARD: That's what he said.

13 MS. BENZIE: All right. And he crossed --

14 MS. BENZIE: Why --

15 MR. WARD: -- he crossed from Nassau County
16 into Queens which is across the border. He's not allowed
17 to do that. He's not allowed to do that. He's not
18 allowed to go from Nassau County to Queens.

19 MS. BENZIE: Mr. Ward, I fully understand you
20 and I understand your point of view. However, for my
21 client there is a different point of view that does not
22 agree with yours.

23 MR. WARD: I don't care if it's a different
24 point of view.

25 MS. BENZIE: But, but --

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1 MR. WARD: He's a Nassau County cop. He's not
2 supposed to go to Queens without permission and he had no
3 permission to go to Queens. Believe me, I have 20 cops
4 working for me now at the New York public library. Okay?
5 He's not allowed to do that. I asked every one of them.
6 He's not allowed to do that.

7 MS. BENZIE: All right. But we still get back
8 to --

9 MR. WARD: Theodore. Yeah. That's my
10 brother's name.

11 MS. BENZIE: -- the issue of the damages and
12 then we still get back here. There were no --

13 MR. WARD: Listen, listen --

14 MS. BENZIE: -- criminal charges brought
15 against --

16 MR. WARD: -- just settle the case and get it
17 over with. All right? Forget about this other bullshit.
18 All right? They guy's an asshole. He's a corrupt cop.
19 He should have never -- he should never cross counties
20 and went into Queens. Never. I have 20 cops working for
21 me. I have 20 of them working for me right now. Okay?
22 They all said he should have never crossed counties point
23 blank.

24 THE COURT: Okay. I guess you'll go back to,
25 you know --

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1 MS. BENZIE: All right. So your Honor --

2 THE COURT: -- your client and figure out --
3 what are we doing about the trial date, Mr. Ward? Are we
4 going forward assuming that there's no settlement
5 reached? I'm not exactly sure what you're asking for. I
6 can't force them to settle. If they want to settle, they
7 can settle, but I can't force somebody to settle.

8 MR. WARD: I understand, your Honor. I'm sorry
9 I'm being, you know, but I'm tired, you know, I'm sick.
10 It's enough (inaudible) already.

11 THE COURT: All right.

12 MS. BENZIE: So we're back to the trial date.
13 I mean do you feel well enough to try it, Mr. Ward, and
14 let the jury decide or --

15 MR. WARD: Oh, I'm going forward. Oh trust me,
16 I'm going forward no matter what. I'm a Marine. I don't
17 quit.

18 MS. BENZIE: I know you're a Marine. I know
19 you walk through walls and you leave sand in your wake.
20 I know.

21 MR. WARD: I don't quit.

22 MS. BENZIE: I know you don't quit. But the
23 question before us today is, excuse me, your Honor, is do
24 you want to go ahead next Monday or do you want to put it
25 over for a while and see whether I can speak to my

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1 people?

2 MR. WARD: I'd appreciate you speaking to your
3 people.

4 MS. BENZIE: Okay. All right. So your
5 Honor --

6 MR. WARD: It would be cheaper if you speak to
7 your people because I'm going to call everybody.
8 Everybody that was involved, I'm going to call them all.
9 I'm going to call everybody, all the doctors. I'm going
10 to break their balls, everything.

11 MS. BENZIE: Mr. Ward, if you have time and
12 energy to do that, I can't stop you from doing it other
13 than to say unless you know right now --

14 MR. WARD: Yeah, there's going to be a lot --

15 MS. BENZIE: -- that whatever happened --

16 MR. WARD: -- there's going to be a lot of
17 money involved in this.

18 MS. BENZIE: Mr. Ward, Mr. Ward, whatever
19 happened with the doctors, whatever happened with any --

20 MR. WARD: Those animals.

21 MS. BENZIE: -- of the other people --

22 MR. WARD: They're animals.

23 MS. BENZIE: Mr. Ward, whatever happened with
24 all those other people is not relevant to the sole
25 remaining claim --

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1 MR. WARD: It is.

2 MS. BENZIE: -- that we have here.

3 MR. WARD: No, it is. It is. Because they --

4 MS. BENZIE: And I'm going to have to request
5 the Court make a ruling to limit the proof. Or to put it
6 more accurately --

7 MR. WARD: They're all (inaudible) --

8 MS. BENZIE: -- to reaffirm the ruling that has
9 already been made with respect to the scope of the proof
10 in this case which is a one issue case.

11 MR. WARD: No.

12 MS. BENZIE: And even as our discussion today
13 has mentioned, even if you establish a violation of your
14 rights, which I do not, on behalf of my clients, I don't
15 agree that your rights were violated, but if you get a
16 jury to believe that, the next question is what are your
17 actual compensable damages? Is there any documentation
18 of any monetary loss directly --

19 MR. WARD: Oh, I have so much --

20 MS. BENZIE: -- stemming from --

21 MR. WARD: -- I have so much --

22 MS. BENZIE: -- the entry to your premises on
23 June 16th and/or 17, 2015? Is there any --

24 MR. WARD: Listen --

25 MS. BENZIE: -- monetary -- there's no claim in

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1 your very well worded notice of claim for any property
2 damage. There's no claim for any loss of any property?
3 The sole claim --

4 MR. WARD: Well, the (inaudible) --

5 MS. BENZIE: -- in the notice of claim for that
6 entry is that your premises was entered in which case
7 your damages are not, as the judge has said, they're
8 nominal damages. It's a very, very -- it's like a dollar
9 and change, or 100 dollars and change, something like
10 that, really, really low.

11 MR. WARD: (Indiscernible) --

12 MS. BENZIE: And with respect to your proof in
13 that, that's the argument that is going to be made at
14 trial that you did not suffer any damage from this entry
15 into your property, either your vehicle or your
16 apartment. There was no damage to you because you didn't
17 have a gun --

18 MR. WARD: Well, (inaudible) --

19 MS. BENZIE: -- there were no criminal charges
20 brought against you.

21 MR. WARD: Yeah, of course there was no
22 criminal charges against me because I didn't do nothing
23 wrong. And the doctors put me in a fricken hospital for
24 a fuckin week and I'd like to see you go into to that
25 hospital for a week. Okay? And quite honestly, all

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1 right, I'd like to see what happens to you if you went
2 into that hospital for a week. Okay? So those doctors
3 and that fucking judge, Carol whatever the fuck her name
4 is, can go fuck herself. All right? And if I ever see
5 her again, I'm going to choke her to death. And that's
6 on the fucking -- that's on the record. And I'll tell
7 you that right now because --

8 THE COURT: All right. This is not productive.

9 MR. WARD: -- I'm sick of this shit. Fucking
10 (indiscernible) this bullshit --

11 MS. BENZIE: Magistrate --

12 MR. WARD: with this fucking -- with this woman
13 who fuckin let these people off that fuckin secluded me
14 in a fuckin nuthouse? Are you kidding me? What the
15 fuck? What the fuck is going on here with you people?

16 THE COURT: Mr. Ward, I just need the answer to
17 one simple question which is are you ready to go to trial
18 on Monday or not?

19 MR. WARD: No.

20 THE COURT: All right.

21 MR. WARD: Your Honor, I'm sick.

22 THE COURT: So tell me when we can put this off
23 to. I mean --

24 MR. WARD: Your Honor --

25 THE COURT: -- you tell me you're sick. I

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1 understand that but --

2 MR. WARD: Your Honor, your Honor, both my
3 girlfriend --

4 THE COURT: -- I mean (inaudible) --

5 MR. WARD: -- my girlfriend and I'm sick.

6 THE COURT: Okay.

7 MR. WARD: You understand that?

8 THE COURT: I do understand that.

9 MR. WARD: We're fuckin dying here.

10 THE COURT: When would you like to put this off
11 to? Are you looking for something in the fall?

12 MR. WARD: I respect you so much but I can't.
13 I can't, your Honor. Oh, they need to just fuckin settle
14 it. Your Honor, I'm sick.

15 THE COURT: All right. Look --

16 MR. WARD: You understand that?

17 THE COURT: I do. Let's put it over for
18 another trial date, give them an opportunity to talk to,
19 you know, the County and the various people to see if we
20 can come up with a settlement and give you some time
21 hopefully to be in a better place --

22 MR. WARD: Your Honor --

23 THE COURT: -- before we have to actually --

24 MR. WARD: -- I'm sick. We're sick. It's no
25 bullshit. I'll give you the (inaudible). I'm not

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1 felling well. All right? I'm lucky (inaudible). It's
2 all bullshit. They should have settled a long time ago.

3 THE COURT: All right.

4 MR. WARD: I don't know. And she's
5 bullshitting and fuckin (inaudible). And you know, your
6 Honor, not for nothing, she should never have released
7 those doctors. Those doctors were fuckin accountable.

8 THE COURT: All right.

9 MR. WARD: They were accountable for everything
10 they did.

11 THE COURT: Looking at my calendar, I'm
12 thinking, let's see --

13 MR. WARD: They were accountable for everything
14 they did. Fucking bastards. It's enough already with
15 this life.

16 THE COURT: Can either do September 16th --

17 MR. WARD: Can you do a Monday, please?

18 THE COURT: Yes, it's a Monday.

19 MS. BENZIE: That works for me, your Honor.

20 THE COURT: (Inaudible).

21 MR. WARD: Telling you, Judge, and it's enough.
22 It's the fuck enough. Fucking nine years. What the
23 fuck?

24 THE COURT: Let's have a telephone conference
25 the week before just to make sure that we're on track.

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1 MS. BENZIE: All right. So that would be --

2 MR. WARD: (Inaudible) --

3 THE COURT: Or maybe two weeks. How about
4 September 5th for a telephone?

5 MR. WARD: I stood on a wall in between foreign
6 hostile lands for you people and this is how I get
7 treated. It's fucking unbelievable. Un fucking
8 believable.

9 MS. BENZIE: Are we going to do it in person,
10 your Honor, or on the phone?

11 THE COURT: For September 5th we can do it by
12 phone.

13 MS. BENZIE: Okay.

14 THE COURT: Pretrial conference. Let's say 11
15 o'clock?

16 MS. BENZIE: 11 o'clock works for me. Does it
17 work for you, Mr. Ward?

18 MR. WARD: Just get this settled, would you
19 please? Get it settled, please. I mean come on. I
20 stood on a wall in between hostile fuckin lands fuckin
21 being shot at. What the fuck?

22 THE COURT: All right.

23 MS. BENZIE: Okay.

24 THE COURT: All right.

25 MS. BENZIE: So we're on for September 5 --

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1 MR. WARD: End this fuckin shit already.

2 MS. BENZIE: All right.

3 MR. WARD: That guy's a prick and so are the
4 fuckin judges that were there. Just fuckin do the right
5 thing.

6 MS. BENZIE: Mr. Ward, I think the -- I feel
7 very -- you have my sympathy for everything that you're
8 going through. We're going to have a phone call on the
9 5th. Your Honor, do we use the same phone number?

10 THE COURT: Yes, same phone number as today.

11 MS. BENZIE: Okay. Same phone number. Okay.

12 THE COURT: We'll do the 5th at 11 o'clock.

13 And then the trial, assuming we can't resolve the case,
14 will be on September 16th.

15 MR. WARD: Do the right thing.

16 MS. BENZIE: That's 9:30 out in Central Islip,
17 right?

18 THE COURT: I will start the jury selection at
19 10 o'clock.

20 MS. BENZIE: Okay, okay. 10 o'clock.

21 MR. WARD: Thank you, your Honor.

22 MS. BENZIE: All right. Thank you.

23 THE COURT: Talk to your client. See if
24 there's something that can be worked out in terms of
25 settlement and let Mr. Ward know.

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1 MS. BENZIE: Okay.

2 MR. WARD: Please just do the right thing
3 (indiscernible).

4 THE COURT: All right. Everyone --

5 MR. WARD: Thank you, your Honor.

6 THE COURT: Have a good afternoon.

7 MS. BENZIE: Thank you very much, your Honor.

8 THE COURT: All right. Bye.

9 MR. WARD: Bye.

10 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 17th day of July, 2024.


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